



## Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

April 14, 2014

Mr. Darren Schlapkohl  
VP Construction & Development  
Titan Development & Investments  
221 1<sup>st</sup> Ave. SW Ste. 300  
Rochester, MN 55902

RE: Approval of Response Action Plan & Construction Contingency Plan  
Broadway at Center  
South Broadway Ave & East, Rochester, MN 55904  
MPCA PB Site ID#: PB4520  
MPCA VIC Project ID#: VP31030  
PINs: 74.35.44.017930, 74.35.44.017931, 74.35.44.017932, 74.35.44.017933, 74.35.44.017934,  
74.35.44.017935, 74.35.44.017936, 74.35.44.017937, 74.35.44.017939

Dear Mr. Schlapkohl:

The Minnesota Pollution Control Agency (MPCA) Brownfields staffs in the Petroleum Brownfields (PB) and Voluntary Investigation and Cleanup (VIC) Programs have reviewed the Response Action Plan (RAP) and Construction Contingency Plan (CCP) submitted for the Broadway at Center site, located at the address referenced above (the Site). The RAP/CCP dated February 28, 2014, was prepared and submitted on your behalf by Braun Intertec.

The Site is currently occupied by three two-story brick buildings consisting of office, retail, and bar facilities facing South Broadway Avenue and the eastern portion of the Site is developed as a paved municipal parking lot. Demolition of the existing buildings and redevelopment as a 24-story building including a mixture use of hotel, apartments, and office and retail spaces as well as a multi-level parking ramp is proposed for the Site.

Previous subsurface investigations indicate that fill soils are present from immediately beneath the asphalt parking lot to depths up to at least eighteen feet below the ground surface. The fill soils consisted of a fine to coarse-grained poorly graded sand with varying amounts of gravel and debris. The observed debris consisted of varying amounts of concrete, brick, coal slag and cinders at depths between 0-13 feet below ground surface and was predominantly observed within the borings advanced on the northwest corner off the Site.

The RAP/CCP proposes that contaminated soil will be excavated only to the extent necessary to allow construction of the new Site improvements and contaminated soil will be left in place wherever possible. Soil samples will be analyzed for VOCs, PAHs, resource conservation and recovery act (RCRA) metals, DRO and gasoline range organics (GRO) to determine reuse or off-site disposal.

Mr. Darren Schlapkohl

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The RAP/CCP is hereby approved, subject to the following conditions:

1. A photo journal collected on a daily basis and submitted on a weekly basis to the VIC Program staff of the RAP activities is to be completed.
2. If petroleum contaminated soils are stockpiled at the site prior to reuse or offsite disposal, the stockpiles shall be less than 500 cubic yards.
3. This RAP/CCP approval is contingent on the Applicant obtaining all other required state, federal and local government permits.

An implementation report describing the completed response action activities, sampling results, soil management and disposal, and imported soils shall be prepared and submitted to the MPCA. If the implementation report will not be submitted within one year of the date of this letter, please notify the MPCA project staff of the status of the development. Approval of this plan does not suggest that any of the costs incurred will be eligible for reimbursement from the Petro Board.

This letter is subject to the disclaimers found in Attachment A. If you have any questions about this letter, please contact Mark Umholtz, Hydrogeologist, at 651-757-2308 or [mark.umholtz@state.mn.us](mailto:mark.umholtz@state.mn.us) or Brittney Schuller, Project Manager, at 651-757-2444 or [Brittney.Schuller@state.mn.us](mailto:Brittney.Schuller@state.mn.us).

Sincerely,

Handwritten signature of Mark Umholtz in blue ink, with the word "for" written in cursive to the right of the signature.

Mark Umholtz  
Hydrogeologist  
Site Remediation and Redevelopment Section  
Remediation Division

Handwritten signature of Brittney Schuller in blue ink.

Brittney Schuller  
Project Manager  
Petroleum Remediation and Redevelopment Section  
Remediation Division

MU/BS:jmp

Attachment

cc: Tim Lenway, Braun Intertec Corporation  
Terry Spaeth, City of Rochester

ATTACHMENT A  
DISCLAIMERS  
Broadway at Center  
MPCA VIC Project Number VP31030  
MPCA PB SITE ID#: PB4520  
PINS: 74.35.44.017930, 74.35.44.017931, 74.35.44.017932, 74.35.44.017933, 74.35.44.017934,  
74.35.44.017935, 74.35.44.017936, 74.35.44.017937, 74.35.44.017939

1. Reservation of Authorities

The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA Assumption of Liability

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Use or Development of the Property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer Regarding Investigative or Response Action at the Property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

